

Marty M. Snyder, KS S Ct #11317
Assistant Attorney General
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
ELWOOD D. HOUSEMAN, LCMFT,)
Respondent)
_____)

Case No. 13-CT-091

CONSENT AGREEMENT AND ORDER

NOW, on this 16 day of December, 2015, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board), by and through Assistant Attorney General Marty M. Snyder, by agreement of Elwood D. Houseman (Respondent), by and through counsel Milfred Dale, PhD, Esq., and the Board for the purpose of resolving the above-captioned case.

Respondent hereby acknowledges the following:

1. At all relevant times, Respondent has been a Licensed Clinical Marriage and Family Therapist within the meaning of the Marriage and Family Therapists Licensure Act, K.S.A. 65-6401, *et seq.*, and amendments thereto.
2. On March 18, 2013, the Board received a report of information concerning Respondent's conduct, alleging he may have violated certain statutes and regulations governing the practice of Marriage and Family Therapy.
3. The Board conducted an investigation concerning Respondent's alleged violation of statutes and regulations. During the investigation, Respondent was given the opportunity to provide additional information regarding the alleged violations and did provide additional information through counsel.

4. As a result of the investigation, the Board finds that Respondent engaged in a dual relationship and crossed professional boundaries with a vulnerable client. These acts consisted of hugging, commenting on personal appearance and sharing his dreams with a client who was a victim of sexual abuse.

5. The Complaint Review Committee of the Board finds that a preponderance of the evidence supports its conclusion that Respondent has violated the following statute and regulation:

A. K.S.A. 65-6408 (7) – discipline for unprofessional conduct as defined by the Kansas Administrative Regulations.

B. K.A.R. 102-5-12. Unprofessional Conduct.

(b) Any of the following acts by either a marriage and family therapy licensee or a marriage and family therapy licensure applicant shall constitute unprofessional conduct:

(50) practicing marriage and family therapy in an incompetent manner.

However, Respondent and the Board mutually desire to enter a Consent Agreement and Order in lieu of adjudicative proceedings to resolve this matter.

WHEREFORE, Respondent waives all rights to an adjudication of facts and law which could be determined pursuant to a hearing conducted pursuant to the Kansas Administrative Procedure Act and all rights of appeal pursuant to the Kansas Judicial Review Act in relation to Case No. 13-CT-091.

WHEREFORE, the Board and Respondent agree that Respondent's license shall be suspended for a period of twelve (12) months, but the suspension shall be stayed on the following terms and conditions:

(a) Respondent's practice shall be supervised for a period of one year by a Board-approved supervisor. Respondent and his supervisor shall focus on appropriate

professional boundaries with one hour of face-to-face supervision discussion for every thirty (30) hours of client contact. Respondent shall provide a copy of the Consent Agreement and Order to the supervisor and authorize the supervisor to provide quarterly written reports to the Special Investigator for the Board, with immediate reporting if a problem is noted.

(b) Respondent shall obtain an extra three CEUs in addition to those required to be attended in person, to focus on appropriate professional boundaries and to be completed within six months of the effective date of this Consent Agreement.

(c) Respondent shall comply with the Kansas statutes and administrative regulations for Licensed Clinical Marriage and Family Therapists and report satisfaction of the above terms to the Board's Special Investigator upon completion.

(d) Respondent shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.

(e) Evidence of Respondent's breach, violation or failure to comply with any of the conditions may result in a Summary Proceeding Order of temporary suspension until proof of compliance and further order of the Board.

(f) Respondent acknowledges an affirmative duty to notify the Board within five (5) days of any changes in personal or professional status which would inhibit compliance with any condition of this Consent Agreement and Order. In such event, a designee of the Board is authorized to modify or amend this Consent Agreement and Order in writing.

(g) Respondent understands that a notification of this Consent Agreement and Order shall be provided to any other state licensing board if Respondent is also licensed, registered or certified in another state.

(h) This Consent Agreement and Order constitutes the entire agreement between Respondent and the Behavioral Sciences Regulatory Board and may be modified or amended only by written agreement signed by Respondent and the Board or a designee of the Board.

WHEREFORE, Respondent consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval by the Complaint Review Committee, this Consent Agreement and Order will become a Final Order of the Board. The Board has authorized the Complaint Review Committee to determine approval of this Consent Agreement and Order.

WHEREFORE, the Board agrees that, so long as Respondent complies with the above conditions, the Board will not initiate further disciplinary action against Respondent in relation to violations of K.S.A. 65-6408 and K.A.R. 102-5-12 as a result of this proceeding in 13-CT-091.


WHEREFORE, the foregoing provisions are consented to, are hereby made the final Order of the Kansas Behavioral Sciences Regulatory Board, and become effective on the date indicated in the Certificate of Service below.

IT IS SO ORDERED.



Dr. Terry Pfannenstiel
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:



Elwood D. Houseman
Respondent / Licensee



Date

REVIEWED AND APPROVED BY:

Milfred Dale #24229
Milfred 'Bud' Dale, PhD, Esq.
Counsel for Respondent / Licensee

December 11, 2015
Date

CERTIFICATE OF SERVICE

This is to certify that on this 16 day of December, 2015 a true and correct copy of the above Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Elwood D. Houseman



Bud Dale, Esq.
2201 SW 29th Street
Topeka, KS 66611

and a copy placed in State building mail to:

Marty M. Snyder, Esq.
Kansas Attorney General's Office

Cindy D'Ercole
For the Behavioral Sciences Regulatory Board